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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/674,476  | 10/01/2003  | Takatoshi Hirota     | 1071.1044DC         | 4672             |
| 21171   | 7590        | 01/11/2005           | EXAMINER            |                  |
| STAAS & HALSEY LLP<br>SUITE 700<br>1201 NEW YORK AVENUE, N.W.<br>WASHINGTON, DC 20005 |             |                      | PATEL, ASHOK        |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2879                |                  |

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.1A

**Office Action Summary**

Application No.

10/674,476

Applicant(s)

HIROTA ET AL.

Examiner

Ashok Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8 and 16 is/are allowed.
- 6) ☒ Claim(s) 9 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 10, 11 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/867,846.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The indicated allowability of claims 9 and 12-14 is withdrawn in view of the newly discovered reference(s) to Amemiya et al (submitted by applicant on 10/19/2004). Rejections based on the newly cited reference(s) follow.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Amemiya et al (submitted by applicant on 10/19/2004).

Amemiya et al disclose applicant's claimed flat panel display device (Figure 1) including: a pair of (front and rear) substrates defining a gas discharge space in which a pair of substrates defining a gas discharge space in which a gas mixture including at least Xenon is sealed, a mixture ratio of the xenon in the gas mixture being equal to or greater than 2% (see "Explanation of relevancy of References, submitted by applicant on 10/19/2004) and a material (IR cut filter) inherently suppressing near infrared rays

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emitted from the gas. The IR cut filter inherently removes an unnecessary light in observing a luminescence of phosphor light.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amemiya et al, as applied to claims 12, in view of Wada et al (USPN 4,692,662).

Although Amemiya et al do not disclose the (IR cut filter) material applied on the front, rear substrate or inside the front substrate, providing the same is known in the art for blocking the undesired rays and emitting desired rays from the device.

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Wada et al is cited for showing the use of a filter use on front or rear substrate or within the substrate material (Figures 4, 12; col. 4, lines 8-60; col. 9, lines 17-26).

Consequently, it would have been obvious to one of ordinary skill in the art to provide Amemiya et al's flat display device including the (IR cut filters) material provided on either the front or the rear substrate or within the front substrate for blocking the undesired rays and emitting desired rays from the device.

6. Claims 10, 11 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 10, prior art of the record does not disclose applicant's claimed flat display device of entire claim 9, including a protection plate in front of the pair of substrates, and the material being formed on a front surface or a back surface of the protection plate.

As to claim 11, prior art of the record does not disclose applicant's claimed flat display device of entire claim 9, including a protection plate in front of the pair of substrates, and the material being formed of a near infrared absorbent, which is added to the protection plate.

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As to claim 15, prior art of the record does not disclose applicant's claimed flat display device of entire claim 12, wherein the material is formed of a near infrared absorbent and display electrodes, for discharging the gas between said pair of substrates, are covered with a dielectric film including a near infrared absorbent.

7. Claims 6-8 and 16 are already allowed, as mentioned in earlier office action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsuno et al, Owasaki et al and Nagakubo each are cited for showing a general structure of a flat display device.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Ashok Patel**  
**Primary Examiner**  
**Art Unit 2879**